

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT 29 AM 9:31

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gabriel HERNANDEZ-Sanchez

Defendant.

Magistrate Case No.

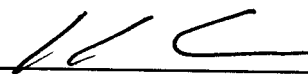
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)  
Bringing in Alien  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **October 23, 2007**, at the **San Ysidro Port** of Entry, within the Southern District of California, defendant **Gabriel HERNANDEZ-Sanchez**, with the intent to violate the immigration laws of the United States, knowingly and in reckless disregard of the fact that an alien, namely, **Maribel SALGADO-Fernandez** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Signature of Complainant  
Mario Avila, U.S. Customs and Border  
Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **29<sup>th</sup>** day of **October 2007**.

  
United States Magistrate Judge

**Probable Cause Statement**

1 I, Customs and Border Protection Officer Sara Esparagoza, declare under penalty of perjury, the  
2 following is true and correct;

3 The complainant states that **Maribel SALGADO-Fernandez** is a citizen of a country other than  
4 the United States; that said alien has admitted she is deportable; that her testimony is material;  
5 that it is impracticable to secure her attendance at trial by subpoena; and that she is a material  
6 witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title  
7 18, United States Code, Section 3144.

8 On October 23, 2007 at approximately 11:25 PM, **Gabriel HERNANDEZ-Sanchez**  
9 (**Defendant**), made application for admission into the United States at the San Ysidro Port of  
10 Entry. Defendant was the driver of a 1986 BMW. During primary inspection, defendant gave a  
11 negative Customs declaration, declared United States citizenship and presented his United States  
12 passport. A Customs and Border Protection (CBP) primary officer queried Defendant by name  
13 and date of birth and received a computer generated lookout. The officer referred the vehicle to  
14 secondary for a more thorough inspection.

15 In secondary, a human being was found concealed behind the rear seat backrest of the vehicle.  
16 The backrest was pulled upward and a female was assisted and removed from the concealment  
17 location. Further investigation revealed the female to be a citizen and native of Mexico who has  
18 no entitlements to enter the United States and she is now identified as material witness **Maribel**  
19 **SALGADO-Fernandez**.

20 During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit  
21 to questioning without benefit to counsel. Defendant admitted knowledge to the concealed alien.  
22 Defendant stated that he was to receive \$600.00 USD after he successfully smuggled the alien into  
23 the United States and returned to Mexico with the vehicle.

24 The material witness declared she is a citizen of Mexico who has no legal right to enter the  
25 United States. Material witness stated she made her own smuggling arrangements and was to  
26 pay \$600.00 upon her arrival to the United States. Material Witness stated she intended to go to  
27 San Ysidro, California.

28 Executed on **October 24, 2007 at 10:00 AM**

  
Sara Esparagoza, CBP Enforcement Officer

On the basis of the facts in the Probable Cause Statement consisting of one page, I find probable  
cause to believe that the defendant named in this statement committed the offense on **October 23,**  
**2007**, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

  
United States Magistrate Judge

10/24/07 at 1:48 pm  
Date and Time